

IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL.

Writ Petition No. 1856 (S/S) 2005

Sri Goverdhan Saini, Constable
Uttaranchal Police,
S/o Sri Roop Ram Saini,
aged about 45 years,
Ashok Enclave, Niranjanpur,
Dehradun. **Petitioner**

V e r s u s

1. The State of Uttaranchal through Secretary (Home),
Government of Uttaranchal, Dehradun.
2. The Deputy Inspector General of Police, Garhwal
Rang, Uttaranchal, Dehradun.
3. Senior Superintendent of Police, Dehradun.
.....**Respondents**

Hon'ble M.M. Ghildiyal, J.:

Heard Sri I.P. Kohli, learned counsel for the petitioner and learned standing counsel for the respondents.

Learned counsel for both the parties are agreed to decide the writ petition at this stage.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

- (a) *issue a writ, order or direction in the nature of Certiorari quashing the transfer order issued by the respondents no. 2 on 5th November, 2005 which was conveyed by Senior Superintendent of Police,.*
- (b) *issue any other writ, order or direction in the nature of Mandamus directing the respondents not to post the petitioner in any hilly area keeping in view the facts stated above.*

(c) *Award the costs of the petition to the petitioner.*

The submission of the learned counsel for the petitioner is that petitioner was posted at Pauri from 1987 to 1990. During this period he got paralysis attack on right leg below knee and by the impugned order petitioner was transferred from district – Dehradun to district – Rudraprayag.

Earlier also petitioner was transferred to Chamoli, however, the said order was cancelled by the competent authority on the ground that petitioner is suffering from paralysis. Even after passing of impugned order the Senior Superintendent of Police recommended to the competent authority for stay of the operation of transfer order of the petitioner, who is suffering from paralysis on the ground that it will be difficult for petitioner to work in hill area.

Considering the facts, this court on 15.12.2005 directed the respondents not relieve petitioner, in case, the petitioner has not already been relieved till the next date of listing. Respondents were further directed to consider and pass final order on the representation of the petitioner dated 15.11.2005.

Respondents have filed counter affidavit. Nowhere it is stated in the counter affidavit that the representation made by the petitioner has been decided by the Competent Authority.

Without going into the merit of the case, I direct the respondents no. 2 to take decision on the representation of the petitioner within a period of six weeks from the date of production of certified copy of this order considering

the fact that petitioner is suffering from paralysis attack during stay at Pauri. Till the decision is taken on the representation of the petitioner, petitioner shall not be relieved from District – Dehradun.

Which this direction the writ petition is finally disposed of. No order as costs.

July 12, 2006
SKSharma

(M.M. Ghildiyal, J)